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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,983	09/22/2003	Shahid R. Chaudry	555255-012-577	1961
33787	7590	07/27/2006	EXAMINER	
JOHN J. OSKOREP, ESQ. ONE MAGNIFICENT MILE CENTER 980 N. MICHIGAN AVE. SUITE 1400 CHICAGO, IL 60611			NGUYEN, TUAN HOANG	
		ART UNIT	PAPER NUMBER	
		2618		
DATE MAILED: 07/27/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/667,983	CHAUDRY ET AL.
Examiner	Art Unit	
Tuan H. Nguyen	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 22 September 2003.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### **Disposition of Claims:**

4)  Claim(s) 1-33 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-33 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zellner (US PUB. 2004/0125800) in view of Maggenti (U.S PAT. 6,633,765).

Consider claims 1 and 26, Zellner teaches a method of prioritizing a voice call request during a data communication session with a mobile communication device, comprising: receiving a voice call request while a mobile communication device is engaged in a connected data communication service (page 1 [0010]).

Zellner does not explicitly show that in response to receiving the voice call request: causing a traffic channel of the connected data communication service to be torn down; and causing a voice call to be established with the mobile communication device.

In the same field of endeavor, Maggenti teaches in response to receiving the voice call request: causing a traffic channel of the connected data communication

service to be torn down (col. 7 lines 54-65); and causing a voice call to be established with the mobile communication device (col. 8 lines 29-37).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use, in response to receiving the voice call request: causing a traffic channel of the connected data communication service to be torn down; and causing a voice call to be established with the mobile communication device, as taught by Maggenti, in order to allow multicast transmissions to be efficiently distributed in a wireless network by limiting transmissions of multicast information to a subset of available devices in the wireless network.

Consider claims 2 and 27, Maggenti further teaches the method is performed by the mobile communication device (col. 8 lines 30-38).

Consider claim 3, Maggenti further teaches the method is performed by the mobile communication device and the act of receiving the voice call request further comprises: receiving the voice call request through a user interface of the mobile communication device (see fig. 7 col. 14 lines 35-48).

Consider claims 4 and 28, Maggenti further teaches the method is performed by one or more servers in a wireless communication network within which the mobile communication device operates (col. 3 lines 26-37).

Consider claims 5, 16 and 29, Maggenti further teaches the act of causing the traffic channel to be torn down comprises the further act of causing a release order to be transmitted (col. 7 lines 63-65).

Consider claims 6, 17, and 30, Maggenti further teaches the act of causing the traffic channel to be torn down causes the connected data communication service to enter into a dormant state (col. 7 lines 54-65).

Consider claims 7 and 18, Maggenti further teaches the act of causing the traffic channel to be torn down causes the connected data communication service to enter into a dormant state (col. 7 lines 54-65); and maintaining the data communication service in the dormant state during the voice call (col. 7 lines 54-65).

Consider claims 8, 19, and 31, Maggenti further teaches after completion of the voice call, resuming data communications of the data communication service (col. 7 line 66 through col. 8 line 11).

Consider claims 9 and 20, Maggenti further teaches the data communication service involves an Internet Protocol (IP) connection (col. 7 line 66 through col. 8 line 11).

Consider claims 10, 21 and 32, Maggenti further teaches maintaining an Internet Protocol (IP) connection for the data communication service after causing the traffic channel to be torn down and the voice call to be established (col. 7 line 66 through col. 8 line 11).

Consider claims 11 and 22, Maggenti further teaches the data communication service involves a Point-to-Point Protocol (PPP) connection (col. 3 line 54 through col. 4 line 2).

Consider claims 12, 23 and 33, Maggenti further teaches maintaining a Point-to-Point Protocol (PPP) connection of the data communication service after causing the traffic channel to be torn down and the voice call to be established (col. 7 lines 54-65).

Consider claims 13 and 24, Maggenti further teaches the data communication service comprises e-mail message communication (col. 3 lines 62-66).

Consider claims 14 and 25, Maggenti further teaches the data communication service comprises Internet data communication (col. 3 lines 62-66).

Consider claim 15, Zellner teaches a mobile communication device, comprising: a user interface; one or more processors coupled to the user interface; a wireless

transceiver coupled to the one or more processors; the one or more processors being operative to receive a voice call request through the user interface (page 1 [0010]).

Zellner does not explicitly show that the one or more processors being further operative to perform the following acts in response to the voice call request: cause a traffic channel of the connected data communication service to be torn down; and cause a voice call to be established with the mobile communication device with use of the wireless transceiver.

In the same field of endeavor, Maggenti teaches the one or more processors being further operative to perform the following acts in response to the voice call request: cause a traffic channel of the connected data communication service to be torn down (col. 7 lines 54-65); and cause a voice call to be established with the mobile communication device with use of the wireless transceiver (col. 8 lines 29-37).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use, the one or more processors being further operative to perform the following acts in response to the voice call request: cause a traffic channel of the connected data communication service to be torn down; and cause a voice call to be established with the mobile communication device with use of the wireless transceiver, as taught by Maggenti, in order to allow multicast transmissions to be efficiently distributed in a wireless network by limiting transmissions of multicast information to a subset of available devices in the wireless network.

Consider claim 32, Maggenti further teaches the computer instructions are further executable for maintaining an Internet Protocol (IP) connection of the data communication service after causing the traffic channel to be torn down and the voice call to be established.

Consider claim 33, Maggenti further teaches the computer instructions are further executable for maintaining a Point-to-Point Protocol (PPP) connection of the data communication service after causing the traffic channel to be torn down and the voice call to be established.

***Conclusion***

3. Any response to this action should be mailed to:

Mail Stop \_\_\_\_\_ (Explanation, e.g., Amendment or After-final, etc.)  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Facsimile responses should be faxed to:

(571) 273-8300

Hand-delivered responses should be brought to:

Customer Service Window  
Randolph Building

401 Dulany Street  
Alexandria, VA 22313

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan H. Nguyen whose telephone number is (571) 272-8329. The examiner can normally be reached on 8:00Am - 5:00Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Maung Nay A. can be reached on (571) 272-7882. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information Consider the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tuan Nguyen  
Examiner  
Art Unit 2618

*Quochien B. Vuong* 7/24/06  
QUOCHIEN B. VUONG  
PRIMARY EXAMINER